

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

AMERICA ONLINE, INCORPORATED,)
Plaintiff,)
v.) Civil Action No. 05-0535
PRABHU MOHAPATRA, et. al.,)
Defendant.)

ORDER

This matter comes before the Court on Plaintiff's Motion to Strike the Counterclaim as Untimely or Dismiss the Counterclaim for Failure to State a Claim.

The Court finds that Defendant's Counterclaim is untimely because it was unduly delayed and would prejudice the Plaintiff. It is hereby

ORDERED that Plaintiff's Motion to Strike the Counterclaim as Untimely or Dismiss the Counterclaim for Failure to State a Claim is GRANTED.

/s/

CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
December 9, 2005